APPENDIX 19 WRITTEN CORRESPONDENCE NEW YORK STATE DEPARTMENT OF **TRANSPORTATION MARCH 17, 2011**



STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION STATE OFFICE BUILDING 250 VETERANS MEMORIAL HIGHWAY HAUPPAUGE, N.Y. 11788-5518

SUBIMAL CHARRABORTI, P.E. REGIONAL DIRECTOR

JOAN MCDONALD

COMMISSIONER

March 17, 2011

Ms. Stindy A. Schermeyer Town Clerk Town of Southampton Town Hall 116 Hampton Road Southampton, NY 11968

Subject: Hampton Bays Corridor Study - Draft Environmental Impact Statement (DGEIS)

Dear Ms. Schermeyer:

As a follow up to my February 25, 2011 letter, NYSDOT Region 10's Traffic and Safety Group recently provided us with the following additional comments:

- The NYSDOT Highway Design Manual (HDM), which is available at NYSDOT.GOV, should be the design guide for roadway improvements considered in the DGEIS. It is also important to determine roadway classification as currently detailed in the Urban Functional Classification Maps for the NY Metro Urban Area. This is necessary to ensure that design features meet NYS and nationally accepted standards, (if federal funding is sought to construct any part of the many roadway improvements contemplated in the DGEIS).
- Proposed improvements on CR80 describes substandard features for a code 16 Minor Arterial Highway in accordance with the HDM 2.7.2.2
- Please refer to the Functional Classification Maps for the New York Metro Urban Area.
 Several County Roads (CR80, CR39B, CR39, CR62, and CR32) and NY24 are Federal-Aid and/or Federal-Aid eligible roads.
- Any proposed improvements of NY24/CR80, NY27/Canal Road, NY27/CR39A & Newtown Road would require NYSDOT review and approval, regardless of the funding source.



Ms. Sundy A. Schermeyer March 17, 2011 Page 2

- The local town road, Good Ground Road, is not a Federal-Aid eligible town road. If there are any plans to use federal funds to construct or improve any portion of Good Ground Road, the Town would need to have the route added. As Good Ground Road provides access to the Long Island Railroad Station, it's possible that this route could be added as a National Highway System Intermodal Connector. This extension would provide an improved access to Hampton Bays Train Station from NY27 and NY24.
- Modifications to the NY27 ramps to NY24 may require an Interchange Modification Report, in accordance with the NYSDOT IIDM, irrespective of funding source. In addition to NYSDOT approval, Federal Highway Administration approval may also be warranted for this type of modification request.
- The Safe Routes to School potential for funding mentioned in the DGEIS would also need to be designed in accordance with HDM and NYSDOT Standard Details.

Thank you again for including us in this DGEIS process.

Very truly yours,

Cdem Murrell, P.E.

Glen & Mundl

Acting Regional Planning and Program Manager

GM:GR:th

cc: Ms. Janet Johnson, Division of Land Management

Town of Southampton, Town Hall

116 Hampton Road, Southampton, NY 11968

APPENDIX 20 WRITTEN CORRESPONDENCE NELSON/POPE/VOORHIS MARCH 18, 2011



NELSON, POPE & VOORHIS, LLC

ENVIRONMENTAL • PLANNING • CONSULTING 572 WALT WHITMAN ROAD, MELVILLE, NY 11747 - 2188 (631) 427-5665 FAX (631) 427-5620 npv@nelsonpope.com

March 18, 2011

Supervisor Anna Throne-Holst & Members of the Town Board Town of Southampton 116 Hampton Road Southampton, New York 11968

Re: Hampton Bays Corridor Strategy Plan & DGEIS Comments - Tiana Commons PDD

Dear Madam Supervisor and Members of the Town Board:

We respectfully submit the following comments with respect to the above referenced Land Use Plan and Draft Generic Environmental Impact Statement for your review and consideration.

Our comments relate to the property which is the subject of a pending Planned Development District (PDD) application known as Tiana Commons proposed by Hampton Sunrise, LLC. The subject property is 19.5 acres in size consisting of two single and separate lots. The property is located on the north side of Montauk Highway and consists of 4.5 acres zoned HB and 15.0 acres zoned R-40. The property is located within the Pine Barrens Compatible Growth Area and is a designated Residential Receiving Area District under the Pine Barrens Plan.

Nelson, Pope & Voorhis, LLC has been working on this project for the past 6 years. Our involvement has included environmental planning consulting services including initial SEQRA analysis and documentation, Planned Development District report preparation and revisions, outreach meetings, scoping document and a Draft Environmental Impact Statement. The application has been before the Town Board since November 2006 but no public meetings on the application have been held.

NP&V conducted a review of the Hampton Bays Corridor Strategic Plan¹ and Draft GEIS² and finds that the project as proposed is not evaluated; however, there are recommendations that pertain to the property. The recommended zoning for the property is a Mixed Use PDD; however, the Plan does not provide adequate guidance with respect to land use, density, or design. In addition, what is recommended does not appear to be economically viable and as a result can not be implemented to achieve the recommended zoning or other public benefits. The following provides a summary of our comments:

 A PDD intended to provide incentives to development community to achieve public benefits and flexibility in land use and density.

² Dated November 2010

¹ Submitted May 2008, revised 1/09, 9/09, 1/10 and 7/10

- The Plan recognizes that the current zoning (the R40 portion) is not compatible with the surrounding uses and recommends rezoning to Mixed Use PDD. (See figure on page 59)
- Not only will the as-of-right development not result in compatible land uses (single family housing in
 the rear of the property), such development will not allow construction of access road from Macy's to
 Bellows Pond Road as it would be incompatible to link a single family residential community with a
 commercial center and by-pass road; nor will it allow for the conversion of the junk yard to a park for
 local residents.
- Neither the Plan nor the DGEIS evaluate the existing PDD application for the site, nor do they explicitly recommend uses for the PDD. The Plan cites concern that some types of retail may compete with the hamlet center which currently lacks vitality and contains vacant storefronts. The Plan goes on to say that any rezoning to allow retail on the site be carefully crafted to identify and permit only uses that would complement rather than compete with, the hamlet core.
- Rather than explore specific options for the PDD, the Plan <u>suggests</u> 4 options of "potentially appropriate" uses for the site which should be considered through SEQRA review. (See page 31)
 - No action (as of right development)
 - Office uses, including medical uses. Office permitted under HB zone (medical by special exception) and would be permitted under the proposed HO zone (not specifically recommended for the southern part of the site, but for surrounding areas).
 - Live-work units. With residential space either owner occupied or used to provide employee housing.
 - o Industrial business or light industrial. Noted that this would not compete with the hamlet core and would provide 'tax ratables and not add to the local population'.
- The applicant had hoped that after the considerable time that has passed, the Plan would provide more guidance for development of the site.
- The Plan also suggests site layout and design concepts for the subject property including incorporating a cross access between Stop n' Shop and Bellows Pond Road and a north south connection to Montauk Highway. The Plan should recognize that the manner in which this can be accomplished is through a compatible and economically viable use of the property.
- The Plan suggests needed public benefits, commensurate with zoning incentives granted and provides a list of these benefits. The Plan should recognize that other locally important public benefits may be appropriate in connection with PDDs.
- The Plan cites that "...although workforce housing development is a general Town-wide goal and one of its stated long term goals which the Town Board wishes to achieve by application of PDD legislation, it is not widely considered a public benefit in Hampton Bays where the median housing prices in 2008 were nearly half those of the Town as a whole" (page 33). However, there is no evidence of surplus of availability of affordable housing in Hampton Bays in the GEIS (Page II.3-5 indicates that in 2008 the median house sale was over \$450,000). Although this is lower than the median sales town wide, it is not considered affordable. Housing that provides condominium-style living, offering a variety of unit sizes and housing types, and offering said units at work force housing prices and/or costs lower than the median cost of homes in the area should be recognized as beneficial. Such housing provides a desirable lifestyle choice for housing in the community and can be effective in reducing impacts, increasing tax revenue to the School District and improving sustainable development.
- The Plan and DGEIS implies that any additional density be tied to retirement of development rights off site; however, there is no mention of how density equivalence factors will be generated, discussed



or analyzed. It is noted that single family homes have greater impact than multifamily (in terms of sanitary density, school aged children generation and other impacts related to population growth).

- It is not clear what density will be permitted in the PDD or what mix of uses is desired for the Tiana
 Commons site (only that uses shouldn't compete with the core, shouldn't have affordable residential
 units and might include one or more of the uses noted above). Successful TDR programs require
 incentives to promote a desired shift in development. The exchange of PBC or TDR at a one to one
 basis provides no incentive to pursue anything other than what is permitted under the existing zoning.
- The DGEIS recognizes that the site is a RRAD, that there is the potential for up to 4.81 PBCs in the school district, and if no residential development is to be permitted, the Town will need to rethink how they will comply with the Pine Barrens Plan (i.e. where will a new receiving district be located).
- The removal of the junk yard use is mentioned as the junk yard has a Certificate of Occupancy to operate under that use this nonconforming use will remain without a PDD.

The as-of-right development would result in a yield of 13 to 25 single family homes³ and 61,400 square feet of Highway Business uses. Unless adequate incentives are provided to make a project economically feasible, a PDD will not occur. The construction of 13 to 25 homes and 61,400 SF of business use will not allow for cross access roadway to Bellows Pond Road or removal of the junk yard use and will potentially have a greater impact on the environment and community. A connector road between Stop & Shop and the site to Bellows Pond Road would not be compatible with single-family development.

Alternatively, the Tiana Commons PDD, designed with Town input results in many public benefits as follows:

- a. Provides cross access road connecting to Bellows Pond Road
- b. Removes the junk yard
- c. Creates a public park on the junk yard property with walking trail and playground for the surrounding community to use
- d. Provides workforce housing similar to live-work units recommended in the Plan
- e. Provides a mix of multi-family units, including some senior units all units are of a size and type that generate few school aged children.
- f. Provides main street development style (walkable, convenience shopping for locals, affordable rental apartments above stores).
- g. Provides tax ratable uses and does not have a negative impact on the Hampton Bays School District at the time of the application, a \$500,000 surplus in tax generation was predicted
- h. Removes potential for 61,400 SF of HB and 13 to 25 single family homes.

We respectfully request that the Town Board consider amendments to the Hampton Bays Corridor Strategic Plan which provide greater direction and guidance, facilitate calculation of allowable density in consideration of commensurate benefits, and ideally involve the applicant as a stakeholder in the process.

³ Dependent upon whether the site is utilized as a RRAD



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Finally, with respect to the proposed PDD Code Changes, it is noted that there is no provision to allow for grandfathering. The application of Hampton Sunrise, LLC for the Tiana Commons PDD was submitted in November 2006 and revised in April 2007. A staff completeness memo was scheduled to be issued on April 23, 2007 (per the "Possible Time Schedule for Review of Tiana Commons PDD" prepared by staff updated 4/12/07). Even though the PDD application has been before the Town Board since 2006, there have been no public meetings on the proposal. The Plan, DGEIS and any changes to the PDD local law should recognize the time and resources expended in pending PDDs.

Thank you for the opportunity to provide comments on the Hampton Bays Corridor Strategic Plan and DGEIS. If you have any questions, please feel free to call me at (631) 427-5665 x 206.

Sincerely,

Charles J. Voorhis, CEP, AICP

Managing Partner

cc: Sundy A. Schermeyer, Town Clerk Jefferson Murphree Hampton Sunrise, LLC

Wayne Bruyn



APPENDIX 21 WRITTEN CORRESPONDENCE **CENTRAL PINE BARRENS** JOINT PLANNING AND POLICY **COMMISSION MARCH 18, 2011**

Sent Via Mail and e-mail



March 18, 2011

Town of Southampton Attn: Mr. Jefferson V. Murphree, AICP Town Planning and Development Administrator 116 Hampton Road Southampton, New York 11968

RE: Hampton Bays Corridor Strategic Plan Generic Environmental Impact Statement (GEIS)

Peter A. Scully

Mark Lesko Member

Chair

Steve A. Levy Member

Anna E. Throne-Holst Member

> Sean M. Walter Member

Dear Mr. Murphree:

The Central Pine Barrens Joint Planning and Policy Commission office is in receipt of the Town Clerk's referral of the Hampton Bays Corridor Strategic Plan (the "Plan") Generic Environmental Impact Statement (GEIS). In addition, Commission Staff have received calls from and communicated with Ms. Janet Johnson of the Town Planning Division requesting comments on the GEIS. The Town is the Lead Agency for the Plan, and the Commission is an Involved Agency pursuant to Part 617 of the State Environmental Quality Review Act (SEQRA) regulations.

Comments were prepared by Commission Staff and generally address the Plan's compliance with the Long Island Pine Barrens Protection Act of 1993 (the Act) and the Central Pine Barrens Comprehensive Land Use Plan (CLUP). A large area of the hamlet is outside of the boundaries of the Central Pine Barrens and not subject to the CLUP; however, the western portion of the hamlet between New York State Route 24 and Bellows Pond Road is within the Compatible Growth Area (CGA) and is subject to compliance with the CLUP.

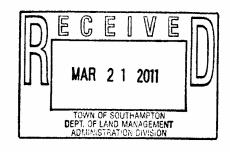
In accordance with SEQRA, the Town must demonstrate that the Plan is not substantially inconsistent with the Act and is in compliance with the CLUP. In addition, the Town must assess the potential impacts resulting from the implementation of the Plan.

One of the most important aspects of concern relative to compliance with the CLUP is maintaining the "one to one [1:1] ratio receiving capacity to sending credit ratio requirement" as per Section 6.5.2.1 of the CLUP. The GEIS addresses this concern in Section 4.C.ii.3, Residential Receiving Area Districts (RRADs). This GEIS acknowledges the need to maintain the CLUP ratio of 2.5 to 1 receiving area capacity to sending area requirement, which ensures compliance with the minimum ratio of 1:1. However, the GEIS identifies only one remaining vacant parcel in the hamlet of Hampton Bays, a

P.O. Box 587 3525 Sunrise Highway 2nd Floor Great River, NY 11739-0587

Phone (631) 224-2604 Fax (631) 224-7653 www.pb.state.ny.us





17.7 acre parcel located at 31 Flanders Road, that is eligible to register Pine Barrens Credits (PBCs) for sale and redemption, which in this case is 4.81 PBCs. Therefore, the availability of sending areas in the hamlet is limited.

The GEIS also addresses the hamlet's receiving area capacity or lack thereof with only one remaining RRAD available for development in the hamlet, the site of the application for the Tiana Commons Mixed-Use Planned Development District (MUPDD) shown on the map on page 59 of the Plan. Much of the site is currently vacant and wooded; however, a portion contains a non-conforming junkyard. According to the GEIS, rather than choosing to exercise the as-of-right potential of the RRAD, the developer is pursuing a zone change. The MUPDD contains 72 residential units, which "[w]ould greatly exceed the RRAD limitation of 2 units per acre." As a result, the RRAD development potential would not be realized. The GEIS states that the MUPDD allows the hamlet to comply with the requirements of the CLUP. However, if the site is developed without PBC redemption, or if it is acquired and preserved, the Town would need to identify and designate new RRAD acreage in the hamlet.

It is strongly recommended that the Town require the redemption of PBCs in any development project that is proposed on the hamlet's last remaining RRAD if it involves an increase in land use density or intensity other than that to which the owner is entitled under current zoning. Furthermore, any such application must comply with the goals and objectives of the Long Island Pine Barrens Protection Act of 1993 and the CLUP.

Additionally, the GEIS contains a list of parcels in Table 8, Part V, Tables and Attachments, that are proposed for rezoning. The activity of rezoning constitutes "development," pursuant to Environmental Conservation Law (ECL) § 57-0107(13)(a), which states, "a change in type of use of a structure or land or, if the ordinance or rule divides uses into classes, a change from one class of use designated in an ordinance or rule to a use in another class so designated." As a result, any rezoning must comply with the CLUP, as per ECL § 57-0123(3)(a) which states, "no application for development within the Central Pine Barrens area shall be approved by any municipality or county or agency thereof or the commission, and no state approval, certificate, license, consent, permit or financial assistance for the construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan."

Thank you for the opportunity to comment on the GEIS.

Sincerely,

Julie Hargrave

Environmental Planner

cc: John Pavacic, Executive Director, CPBJP&P Commission
Judy Jakobsen, Policy and Planning Manager, CPBJP&P Commission



Hampton Bays Beautification Association, Inc.

P.O. Box 682, Hampton Bays, NY 11946 - 0607

March 18, 2011

Town of Southampton
Department of Land Management
116 Hampton Rd.
Southampton, NY 11968

RE: DGEIS Hampton Bays Corridor Strategic Plan

As the President of the Hampton Bays Beautification Association I attended many of the meetings last year and at those meeting offered suggestions to Freida Eisenberg. I am pleased to see all of my suggestions in the report. The Hampton Bays Beautification Association strives to improve the appearance of our community and we are pleased with the suggestions and observations relating to the community character and visual resources. I approve the change of zoning in the Business Core and feel it will certainly improve Main Street. I also agree with all of the suggestions regarding future CPF purchases and hope they can be acquired soon.

The Beautification Association raises money yearly by fundraising and grants to pay for the maintenance and upkeep of the many public areas, parks and gateway improvements and plantings. It is very important that the community maintains the high quality appearance of these areas. A suggestion of a BID might be a way to raise the necessary funds. We have made a request to the Town to paint the antique lampposts as they have become very rusted. We would appreciate it if a section regarding maintenance to items such as these be included in the report.

I am amazed at the depth of this report and all of the accumulated data. You have accomplished a monumental task. Freida, Janice and their team wrote an outstanding report. This report will be a valuable guide for many years to come.

We would love it if someone could make an appearance at one of the HBBA meetings sometime soon to answer questions regarding the report. Please let me know if that is a possibility.

Susan von Freddi President Hampton Bays Beautification Association



APPENDIX 22 WRITTEN CORRESPONDENCE

HAMPTON BAYS BEAUTIFICATION ASSOCIATION, INC.

MARCH 18, 2011



Hampton Bays Beautification Association, Inc.

P.O. Box 682, Hampton Bays, NY 11946 - 0607

March 18, 2011

Town of Southampton
Department of Land Management
116 Hampton Rd.
Southampton, NY 11968

RE: DGEIS Hampton Bays Corridor Strategic Plan

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We would love it if someone could make an appearance at one of the HBBA meetings sometime soon to answer questions regarding the report. Please let me know if that is a possibility.

Susan von Freddi President Hampton Bays Beautification Association



APPENDIX 23 WRITTEN CORRESPONDENCE **HAMPTON BAYS WATER DISTRICT MARCH 18, 2011**



HAMPTON BAYS WATER DISTRICT P.O. Box 1013 Hampton Bays, New York 11946

(631) 728-0179 Phone (631) 728-2484 Fax

MEMORANDUM

TO:

SUNDY SCHERNETER

TOWN CLERK

FROM:

ROB KING

CHIEF WATER PLANT OPERATOR

DATE:

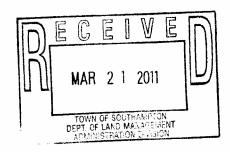
MARCH 21, 2011

I HAVE REVIEWED THE GEIS CD.

TAKING INTO CONSIDERATION UPGRADES THAT THE TOWN BOARD HAS APPROVED FOR OVER THE NEXT THREE YEARS, THIS SHOULD BE SUFFICENT TO SATISFY YOUR WATER EXPANSION NEEDS.

SHOULD YOU HAVE ANY QUESITONS, PLEASE FEEL FREE TO PHONE MY OFFICE.

RK/sm



APPENDIX 24 WRITTEN CORRESPONDENCE MARY JEAN GREEN MARCH 29, 2011

HBDGEIS PUBLIC COMMENT PERIOD - 3-29-11

- 1. Each Town Board member should read the HB FGEIS personally and thoroughly in order to issue a valid "Finding Statement", rather than depend on Jefferson Murphree's personal input. Each town board member should read, completely and thoroughly, the HB Visioning Document and attach it as an addendum to the final document.
- 2. Each Town Board Member should be familiar with the waste Water Management Forum Facts of 1-31-11.
- 3. Each Town Board Member should be prepared to promptly enact a town wide law regarding clear cutting ,pervious surfaces in Commercial areas as well as chemical pesticide and fertilizer application prohibition
- 4. The Town Board must be prepared to finalize the Motel-Condo Conversion Study before this GEIS is considered complete since HB contains the largest number of such potential projects and this study is included in the Scoping Document.
- 5. The town board must strike from the HB FGEIS the recommendation for Good Ground Road Extension since it is counter-productive to the goals and aspirations of this study.

Thank you.

MaryJean Green

APPENDIX 25 WRITTEN CORRESPONDENCE ELIZABETH SCHEURER APRIL 1, 2011

APPENDIX 26 WRITTEN CORRESPONDENCE **HAMPTON BAYS CIVIC ASSOCIATION APRIL 18, 2011**



P.O. Box 734 Hampton Bays, NY 11946

Founded in 1918

April 18, 2011

TOWN of SOUTHAMPTON

116 Hampton Road

Southampton, New York 11968

Attention: Supervisor Anna Throne-Holst

Councilpersons Fleming, Graboski, Malone, Nuzzi

cc: Town Clerk Sundy Schermeyer

RE: Hampton Bays Generic Environmental Impact Statement ("DGEIS") and Corridor Study

Dear Supervisor and Councilpersons:

On behalf of the HBCA Board of Directors, please accept this correspondence for inclusion in the Official Record governing the above DGEIS and related Study. We are taking this opportunity to submit specific comments on various topics which continue to be of exceptional relevance and concern for our membership and community at large. They are delineated as follows:

(1) SCHOOL FACILITIES

Between 1990 and 2000 Hampton Bays' population had increased some 50%+. As indicated in the DGEIS, by 2008 that number had risen to some 13,224 with final, verifiable numbers for Census 2010 still pending.

Current rated Student Capacity within the Hampton Bays School District totals 2,080, with current enrollment at 1,998 (or approx. 96% of rated capacity) having jumped some 12.06% between 2008 and 2009.

The DGEIS "projects" varying Full Build-Out numbers.

Page ES-7 of 35 indicates an additional 260 to 290 school-aged children at "Full Build-Out." Page IV.5-12 indicates 290 to 360; and finally, projected enrollment spanning 2010 – 2019 is listed with a range of 127 – 490 (Page IV.5-13).

Note: Build-Out Estimates are based on development according to existing zoning only, without Variances or Change of Zone applications considered.

Absent meaningful steps to moderate density and restrict development to "as-of-right" scenarios, the School District and Taxpayers will be confronted with inadequate facilities and steadily escalating cost factors. The document offers no tangible mitigations or actual plan to address these needs.

Page 1 of 5

(2) DISPROPORTIONATE DENSITY

As existing, Hampton Bays is the most densely and heavily populated Hamlet within the Town of Southampton. The predominance of:

- existing small lots (some 82% of all parcels are One Acre or less, with 57% one-half acre or less)
- the potential for Accessory Apartments (some 888 parcels have been identified as meeting the Code threshold allowing such addition)
- the potential for the ZBA to continue to exercise its discretionary and legislative power to grant variances for lot size and setbacks widely divergent from Code stipulations
- the potential for conversion of some existing 498 Motel/Hotel Units to Condominiums (the latter enjoying preferential tax treatment vs. Single Family Residences)

ALL combine to dramatically increase the residential overload, both already existing and still potential, within Hampton Bays. Adding a residential component to HO/HC zoning or re-zoning would exacerbate that condition.

While the DGEIS projects reduced numbers for Accessory Apartment and Motel/Condo conversions, these are optimistically derived and totally unreliable. This is also addressed in the DGEIS.

Page IV.1-17 attempts to suggest that new regulations and current depressed conditions in the housing market are likely to have a dampening effect on Motel/Condo conversions, but the opposite result is more likely as affirmed on Page IV.1-18 which states: "As is to be expected, as the availability of vacant land for development shrinks, accessory apartment and condominium conversions take on a bigger role."

Note: The Motel/Condo conversion study relative to Hampton Bays and the Town has yet to be revealed. Thus, the document can not be considered an all-encompassing or reliable evaluation of impacts from motel/condo conversions (e.g., issues of density, taxation and sewage/wastewater management). It also does not address those impacts from already existing "illegally" created accessory apartments.

(3) PLANNED DEVELOPMENT DISTRICTS ("PDDs")

Adding to the mix are PDDs, which (as now proposed) would result in inordinate residential density increases, negative impacts on the existing Hamlet Center as well as adverse effects on environmental resources (including water supply and wastewater treatment).

Page 2 of 5

To moderate residential density and negative impacts, the following must be integrated in the Study:

- No density increases beyond what would be permitted "as-of-right" without equivalent offset / development sterilization on other parcels within the HBSD;
- No diversion of Public Benefit "cash-in-lieu-of" to fund other Town projects or needs (Funds derived from PDDs sited within Hampton Bays to be exclusively used for Open Space/Density Reduction/Environmental Protection in the Hamlet);
- "State of the art" and Upgraded Tertiary On-Site Sewage/Septic systems designed to treat and remove Nitrogen required for new construction and renovation;
- No transfer of sewage credits which overload receiving sites, impeding waste filtration;
- Prioritization of Open Space Acquisition under the auspices of CPF or via other means (e.g., partnering with Suffolk County);
- Prioritization of small-lot acquisition in Hampton Bays to re-create rural community character and scale and provide scenic vistas along the Hamlet's major thoroughfare (Montauk Highway) and ancillary roads.

Note: Pending MUPDD proposal "Tiana Commons" --

Although not officially intended to be part of detailed evaluation in the DGEIS process, this proposal was repeatedly referenced throughout the document requiring community feedback. As currently presented, this project calls for hefty residential density increases above what would be permitted on site "as-of-right." Plus, proposed incorporation of commercial/retail components would inevitably have negative impacts on the existing Hamlet Center. Density Moderation and revitalization of the Hamlet Center are precisely major points of concern when considering the Hamlet's over-all sustainability. Compromising that in any way does not represent sensible long-range planning and runs counter to community goals as repeatedly expressed over the years. We anticipate that this "proposal" will be subjected to fully transparent public vetting and debate.

(4) ROADWAY EXPANSIONS

The Hamlet has long pronounced its goal to retain small-town rural character making the suggestions (a.k.a., continuing recommendations) to extend Good Ground Road and to widen Montauk Highway (length and span undefined) counter-intuitive to meeting that community goal.

As now also stated in the original and updated Hutton Corridor Plan, extension of Good Ground Road is no longer warranted. Intervening lane expansion on CR-39 has largely eliminated the need for motorists to divert from Sunrise Highway (CR-39).

Widening Montauk Highway is equally unwarranted and impractical in light of inevitable property encroachment. The numerous Traffic Studies existing also are contradictory in their conclusions.

(5) ENVIRONMENTAL CONCERNS

The entire hamlet of Hampton Bays is a watershed. Surrounded by water on three sides, there is no question that what goes into our land ends up in our groundwater, aquifer or surface waters. Hampton Bays has always embraced its goal to be a healthy, productive community. Its beautiful bay and ocean beaches and productive surface waters drive a multi-million dollar industry which enhances the economy of the entire Town. It is a mecca of delight for the visitor.

- Chemical pesticides and herbicides should be banned immediately. According to the NYS DEC, in 1999 One Million pounds of pesticides were applied in Suffolk County. This rose to 3.3 Million pounds in 2005. There are no subsequent figures available as yet, but it is axiomatic that this continues to rise in tandem with increases in population and development. It is unacceptable to continue this practice.
- Septic waste treatment must be aggressively improved immediately to eliminate Nitrogen from septic effluent by on site septic systems which efficiently remove this compound. This has been recently proven, endorsed and promoted by the scientific community to remediate our "Impaired" surface waters and is most urgent particularly on waterfront properties.
- Suffolk County Department of Health minimal standards must be strictly enforced and improved upon in most circumstances, particularly on waterfront properties. Tax credits could offset the cost.
- The practice of transferring sewage credits from or to anywhere must be abandoned immediately for all the obvious reasons.
- Acquisition of vacant land must be implemented without delay to overcome the negative balance which now exists between human health and polluted water. Incentives to sell could be readily promoted.
- A study of the quality of our drinking water must be initiated through independent analysis. The immediate future will reveal any problems in delivering drinking water as well as finding quality water. When we destroy all 3 levels of our aquifer system, we will have to purchase this commodity.
- Pervious surfaces in all commercial areas and proper containment for marina runoff etc. must be promoted.
- Up-zoning in all waterfront areas and areas where there are single family houses on parcels which are eligible for sub-division requires Code enactment.

These improvements cannot wait for the completion of the long pending and long overdue LWRP.

(6) OVERLAY DISTRICTS

Overlay zoning districts are an accepted way to achieve specific results within a community. The recommendation and plan for implementation of such districts will assist Hampton Bays in meeting its states goals. The particular regulations for such districts are readily available from other Towns, States and communities. Within Hampton Bays, they would encompass the following:

- Historic Overlay District from North Road to Route 24 along Montauk Highway;
- Scenic Overlay District from Eastern boundary to Western boundary of Hamlet along the corridor;
- Waterfront Overlay District along the entire waterfront and back 1,000 feet from the high tide mark;
- Marine Overlay District along the entire length of Shinnecock Bay to protect habitat.

We request and appreciate your diligent consideration of these critical concerns during this GEIS process.

Sincerely yours,

Board of Directors

HAMPTON BAYS CIVIC ASSOCIATION

Dr. Bruce A. King

President

Andrew Godfre

Vice President

Janice Landis

Secretary

Elizabeth Scheurer

Treasurer

Directors:

Marion Boden

Robert McAlevy

Page 5 of 5

APPENDIX 27 WRITTEN CORRESPONDENCE HAMPTON BAYS UNION FREE SCHOOL DISTRICT APRIL 20, 2011





HAMPTON BAYS

Union Free School District

Administrative Offices: 86 Argonne Road East, Hampton Bays, NY 11946 • Tel: (631) 723-2100 • Fax: (631) 723-2109

LARS CLEMENSEN
SUPERINTENDENT OF SCHOOLS

BY HAND DELIVERY AND EMAIL

April 20, 2011

The Honorable Sundy Schermeyer Town Clerk, The Town of Southampton Town Hall 116 Hampton Road Southampton, NY 11968

N

RE: Hampton Bays DGEIS Commentary

Dear Ms. Schermeyer:

This letter should serve as formal commentary to be entered into the record regarding the latest phase of the Draft Generic Environmental Impact Statement (DGEIS) as it relates to the Hampton Bays Corridor Strategic Plan and Cumulative Impact of Build-Out Study.

The Hampton Bays Union Free School District, herein after referred to as the "District," serves as the primary educational provider for students in grades Kindergarten through twelfth grade. As the study remarks, there are small portions of the hamlet that are served by the Riverhead, East Quogue, and Tuckahoe school districts.

The District's commentary will address the following areas:

- Enrollment and Capacity
- Academic Performance
- Tax Base and School Finance

Enrollment and Capacity

The Hampton Bays Board of Education maintains a position that opposes any subdivision or new construction within the hamlet that requires a variance from existing building codes in instances that will adversely impact density in the district and increase enrollment in the schools.

Hampton Bays bucks a regional trend in recent population changes, seen in both our community's population and school enrollment. A January 4, 2011 Newsday article titled, "LI Student Enrollment Still Dropping," indicates that, "the area's school-age population is projected to drop by 38,380 students – or 7.6 percent – over the next five years, according to a leading university researcher. That would be nearly double the 19,560 students lost between

2004-05 and 2009-10." The article goes on to report that since the 2004-05 school year, school-aged population in Suffolk County and Long Island as a whole have decreased by 3.3 percent and 3.0 percent, respectively. Over that same period of time, the school-aged population in Hampton Bays increased by 9.4 percent.

A recent demographic study conducted by the District indicates that the projection of school-aged enrollment over the next five years mirrors the recent trends in enrollment over the past five. Generally speaking, based on an analysis of grade-to-grade changes over the past four years and by monitoring birth rates by zip code, the District expects to see its growth trend continue. The District estimates growth at approximately 1.5 to 2.5 percent annually.

The District attributes recent growth over the last several years to the following factors:

- The opening of the new Hampton Bays Middle School is an attractive alternative for Hampton Bays residents, who traditionally sent their students to private or parochial programs, to enroll their children. A dedicated middle-level program provides developmentally appropriate experiences for students in Grades 5-8.
- The economic downturn created in some families a necessity to remove their children from private and parochial programs due to the financial burdens of tuition.
- More affordable housing in Hampton Bays remains an incentive for families seeking work to move to our community.
- Increases in school performance, quality, and academic rigor make the Hampton Bays community marketable for people looking to rent or purchase a home.

Academic Performance

The District's improvements and growth have been a major point of pride for residents of this community. The construction of the new Middle School, which originally began as a capacity-needs issue, evolved into the opportunity to improve all three educational programs in the district to create an early childhood center (Hampton Bays Elementary School), a middle-level program (Hampton Bays Middle School), and a College and Career Readiness program (Hampton Bays High School). Some of the most notable improvements that are a "draw" to parents include 13 Advanced Placement courses, an athletic program that serves 69 percent of the middle and high school student body, a college-readiness program that begins in Grade 5, and academic and co-curricular programs such as the Future Business Leaders of America, Mock Trial, and a FIRST Robotics team. The High School graduation rate has increased by 20 percent since 2007 and our Regents Diploma rate has increased by 8 percent in just the past year. The District believes that these internal factors also contribute to enrollment growth.

The growth that the District has experienced in the last several years has impacted capacity levels in all three buildings. Currently, the High School is at 93 percent capacity; the Middle School is at 74 percent capacity; and the Elementary School is at 114 percent capacity. Included in the Elementary School count is a Universal Pre-Kindergarten program that is fully grant-funded by the State of New York. If demographic conditions continue as projected, if the quality of the schools continues to improve, and if the hamlet approaches build-out, it stands to reason that student enrollment in all three buildings will increase. Regarding capacity in each building, the percentages will also adjust accordingly.

Tax Base and School Finance

The District faces significant challenges annually when preparing its budget for the following school year. A review of School Budget Vote results over the last ten years shows an average passage rate of 52 percent. Put simply, the tax base in Hampton Bays is disproportionately burdened when financing its school district when compared to its peers. The tax rate per \$1,000 of valuation in 2010-11 was 45 percent higher than the town-wide average.

Given the District's size in square miles when compared to other districts in the Town of Southampton, it is clear to see that density already impacts the Hampton Bays School District. The average student per square mile across the Town of Southampton is 61.5 students per square mile. In Hampton Bays, that number is 118.5 students per square mile. The District also has the highest student body enrollment of all school districts that reside completely in the Town of Southampton. The majority of homes in Hampton Bays are middle-class homes; according to the Town Tax Assessor's office, the average home in Hampton Bays is valued at \$450,000. Taken all together, the factors do not weigh in financial favor for the many middle-class and senior residents of the hamlet. Hampton Bays taxpayers have the highest tax burden in the densest school district and yet, a comparison of spending per pupil against the same school districts reveals the lowest per pupil spending among the same.

Conclusion

The cumulative impact of build out in Hampton Bays has long-term effects on the commercial, residential, and educational community in the hamlet. Mitigation factors that the study considers, including the preservation of residentially-zoned lands, the promotion of the hamlet as a place for second and vacation homes, and the promotion of increased commercial and institutional development all have the potential to increase revenues to the district, enhance the overall quality of the hamlet, and mitigate density increases in the school aged-population.

It should be noted that the District's position on mitigation relates to requests by landowners for variances to as-of-right uses of the property. Providing incentives for developers to preserve residentially-zoned land, promoting the hamlet as a vacation or second-home community, or improving the commercial and industrial centers are all feasible approaches to controlling density, provided they contribute to preserving the hamlet identity that appeals to so many Hampton Bays residents. The District supports initiatives that preserve a landowner's as-of-right privileges, ease the taxpayer burden, and mitigate density growth within the schools.

The District is appreciative of the opportunity to enter its perspective into the record.

Respectfully submitted.

Lars Clemensen

Superintendent of Schools

as Clemenser

APPENDIX 28 WRITTEN CORRESPONDENCE EVE HOULIHAN APRIL 21, 2011

April 21, 2011

TO: Supervisor Anna Throne-Holst

Councilpersons Fleming, Graboski, Malone, Nuzzi

TOWN of SOUTHAMPTON

116 Hampton Road

Southampton, New York 11968 cc: Town Clerk, Sundy Schermeyer

FROM: Ex

Eve Houlihan 8 Bay Woods Drive

Hampton Bays, New York 11946

RE: Hampton Bays "DGEIS" and Corridor Study

Supplementing my March 08 correspondence on above, I am taking this opportunity to reinforce for the official record that all topics covered therein are exceptionally relevant to this process and the Hamlet, requiring response and clarification. Several of the major points are outlined below.

- Disproportionate Density: Population Statistics demonstrate the disorder and require no further embellishment, as repeatedly acknowledged in various Comprehensive Plan permutations.
 Hampton Bays is the most densely populated and developed part of Town, with consequently lower housing values and negative environmental impacts.
- Note: To further illustrate, I am entering into the official record a CD of the March 22, 2007
 Planning Board Meeting, together with a synopsized transcript. The topic being discussed is
 Agenda Item #9 ("Bayview Ridge" beginning at approx. the One Hour point). The discussion
 segues into Density, Motel/Condo conversions, SEQRA Type 1 Review requirements, etc...)
- Accessory Apartments and GMZ Regulations (County and Town): As indicated in my March
 08 submittal, adherence to applicable standards and consistency between Town Code and Suffolk
 County Sanitary requirements are called into question requiring clarification both for "as-ofright" and ZBA variances. (See Page III.4-5, Section 4.B.iv and Page ES-26 of 35.)
- Water Issues: Wastewater Management and Availability of Potable Water are topics capturing
 heightened scrutiny both on Long Island and within surrounding communities. The nexus and
 interconnectivity between Density and the Health of all Water Resources remain self-evident. In
 short: what happens on the land inevitably impacts on the totality of Marine Resources,
 availability of adequate Potable Water Supply and Quality of Life.
- Motel/Condo Conversions/Accessory Apartments and Build-Out: The DGEIS, in attempting to downplay the growth-inducing significance of these prototypes, states that "new regulations and initiatives expected from the Motel to Condo Conversion Study will reduce the available yield in such conversions... Current depressed conditions in the housing market are also likely to have a dampening effect." (Page IV.1-17). However, this is contradicted by the statement and self-evident conclusion: "...As is to be expected, as the availability (sic) of vacant land for development shrinks, accessory apartment and condominium conversions take on a bigger role." (Page IV.1-18). In short, absent clear-cut restrictions, Disproportionate Density concerns remain.
- Planned Development Districts: Numerous questions remain re suitability of these prototypes
 and methodology applicable to determination and calculation of hamlet-specific and hamletsensitive "public benefits." There are currently two breakdowns existing of approved PDDs: one
 prepared in 2007 and a second version prepared in 2010. Variances exist between the two, both in
 terms of actual number of PDDs granted as well as quantity/value of required PBCs or "cash-inlieu-of."

As I stated during the March 22nd Public Hearing in reference to the density issue, Town Code Article XXVI, Chapters 330-25 and 330-246 dealing with development standards within Multi-Family and Residential Planned Development Districts stipulate that: "The Town's Master Plan recommends the use of planned development district (PDD) zoning for large Multifamily housing developments, whereby additional density can be achieved through the transfer of development rights (TDRs) or Pine Barren Credits (PBCs), such that there is no substantial increase in the number of dwelling units or population within the same school district because development has been redirected in order to channel growth and to preserve more ecologically sensitive lands."

Note: One would logically infer identical standards would apply to MUPDDs, which incorporate significant residential components. If not, Code modification and clarification are required.

- Pine Barrens Credits: In sum, actual availability of PBCs, broken down per Hamlet, must now
 be provided. Said breakdown to delineate: designated acreage existing within the Core
 Preservation Area; number of PBCs existing and to be created potentially therefrom; number of
 PBCs actually issued; number of PBCs actually redeemed (transacted). Without such baseline
 analyses, conjecture and ambiguity prevail.
- Note: The Pine Barrens Commission is currently undertaking an initiative to yield Mandatory Redemption of PBCs. That exercise will inevitably require such definition by affected municipalities (Southampton, Brookhaven, Riverhead).
- Zone Change HB (Highway Business) to HO/HC: Inadequate consideration was given to Density impacts likely resulting from such conversion insofar as HO/HC districts permit apartments. The rationale offered by planning was that SCDH sanitary standards would "potentially" reduce the residential yield. However, as suggested elsewhere in the DGEIS, apparent inconsistencies in governing standards and adherence persist.
- Note: No suggestion was offered by Land Management to reduce maximum building size in HB zones from 15,000 Sq. Ft. to 10,000 Sq. Ft. (or less) for Hampton Bays, recommended and under consideration for the CR-39 Study as an obvious strategy to reduce commercial sprawl.
- Motel/Condo Conversions: With the bulk (some 498 units ex 1051 town-wide) of existing Motel
 Units sited within Hampton Bays, consideration and evaluation of impacts to the Hamlet were
 fundamental to the DGEIS. Unfortunately, despite various indications from Land Management
 that the town-wide study would imminently be forthcoming, nothing has yet materialized.

Conclusion:

Each of the above topics remains singularly significant when assessing the future of Hampton Bays. In my opinion, not all had been collectively discussed or debated in appropriate detail and depth during the DGEIS with full committee participation. Open questions remain requiring enhanced elaboration for all stakeholders.

(1) As outlined in the "Final Scoping Document" for the Hampton Bays Corridor Strategic Plan AND Cumulative Impact of Buildout Study Generic Environmental Impact Statement" issued in July 2008: "The Cumulative Impact of Buildout Study component expands on the Hampton Bays Corridor Strategic Plan. The Buildout Study will involve a comprehensive assessment of conditions at buildout within the greater Hampton Bays Community and will investigate a variety of additional planning and environmental issues. Topics to be addressed include, but are not limited to, demographics, land use and zoning, transportation, Hamlet Build-Out, Housing, Condominium Conversions, Utilities and Public Services, Historic and Environmental Resources, and Recommendations and Mitigations."

- (2) As prepared by the Town, the Final SEQRA document stipulates that the <u>Proposed action is adoption of the proposed HB Corridor Strategic Plan and the HB Cumulative Impact of Buildout Study by the Southampton Town Board.</u>
- (3) However, the DGEIS Part IV, pages 4-1 through 17: Environmental Resources stipulates the routine and robotic conclusion that:
- "...no significant impacts...are anticipated...as a result of implementing the proposed Hampton Bays Corridor Strategic Plan."

Questions:

What are the bases for these conclusions?

mlihar

- As currently framed, these impact pronouncements would seem to apply exclusively to the Corridor stretch, not the entire Hamlet at Build-Out.
- They can not be construed to be comprehensive assessment of <u>Cumulative Impacts of Build-Out</u> and <u>Environmental Impacts at Build-Out within the Greater Hampton Bays community</u> given that:
- (i) Build-Out numbers have been expressed within the DGEIS predicated purely on "as-of-right" zoning scenarios, not taking into consideration any PDD, Special Exception or other Variances plus "potential" Motel/Condo Conversion Modifications are still pending;
- (ii) Since the Hamlet is essentially a "watershed," how can these conclusions be applicable for the entire Hamlet when it is also stated in the document that: "... While the Corridor Strategic Plan does not directly address water issues, the DGEIS recommends mitigations... Water protection policies and regulations will be addressed at the Town-wide level in the LWRP, a long dormant project that has recently been revived.
- (iii) Finally, the document only references on Page ES-3 of 35 that "...the subject action is adoption of the Hampton Bays Corridor Strategic Plan." No direct reference is made to the DGEIS document and its content.

Yours truly,

Eve Houlihan

Attachment:

One CD + Partial Transcript

Notes / Recap of CD (MP 3 Format) Transcript of March 22, 2007 Planning Board Meeting *

Prepared / Submitted by: Eve Houlihan October 16, 2009 Town Board Work Session

* Subject: Agenda Item #9 --- "Bayview Ridge

Existing 14 cottages, to be converted to 12 condos with a total of 4 buildings plus accessory structures.

ZBA Relief was needed and had been granted.

ZBA also designated this as a TYPE 2 Action under SEQRA, despite the fact that Motel / Condo conversions are Type 1 (per Town Code)
Planning Board members questioned the foregoing, in tandem with the virtual doubling of the existing 7,900 Sq. Ft. bldg. area to 15,000 Sq. Ft..
Dennis Finnerty questioned why this was designated as a Type 2 action, since ALL condo conversions are reportedly classified as Type 1 actions per the Code. The Planning Department representative needed to discuss this with the Town Attorney's office.

In addition, the following excerpted comments were recorded as noted below:

Finnerty: This is another motel-condo conversion. Has anyone in Long Range Planning taken a comprehensive look at what is actually coming in? We are getting about one a month, all in the Hampton Bays / East Quogue area. In addition to that, we are getting PDD applications and Multi-Family Housing --- and they are all in the Hampton Bays area. Has anyone in Long Range Planning or the TOWN BOARD taken a look at this??

Reply from Planning Dept. rep: With a previous application.

Lofaro: Julie Moore flagged this a year ago when the applications started to come in. She said this is going to happen again and again. She actually did a projection of the numbers and units that was very impressive. She took the number of existing motel units and if converted to condos what it would mean. It's intensive.

Finnerty: All of these projects are moving forward at the same time. They are all Multi-Family. They are all located in Hampton Bays, the MOST DENSELY populated hamlet of the Town.

And quite frankly, the hamlet is going to explode, it is literally going to explode with population unless someone has a handle.

And they are all coming in haphazardly.

Finnerty (cont'd.):

We are getting: .. Motel Conversions

Multi-Family PDDs

The Canoe Place Convention Center

RTW right down the road

Another one next to the Stop and Shop

Hundreds and Hundreds of dwelling units all coming in within a 3 to 5-year period.

Lofaro: It's really not the best planning to do this on an "ad hoc" basis. It needs to be looked at comprehensively,

NOTE: Having actually attended the meeting in question, I also procured a copy of the complete CD transcript of the March 22, 2007 PB Hearing (available for review / verification of actual comments made).

APPENDIX 29 WRITTEN CORRESPONDENCE

CITIZENS FOR HAMPTON BAYS-PETITIONS AGAINST GOOD GROUND ROAD EXTENSION

APRIL 21, 2011

CITIZENS FOR HAMPTON BAYS

April 21, 2011

Dear Town Board Members,

Enclosed please find our petitions against the inclusion of Good Ground Road Expansion in the recommendations for the Hampton Bays Generic Environmental Impact Statement/Master Plan Update. These petitions are to be added to the official file for your review.

Please be advised that this petition Campaign will continue and additional signatures will be forthcoming.

We trust you will honor this outpouring of community sentiment in opposition to this proposal and reject such a recommendation.

Thank you.

Mary jean Green, Participant

Mary Jean Green
Citizens for Hampton Bays

The long awaited Hampton Bays Generic Environmental Impact Statement is about to be considered by the Southampton Town Board. The Draft continues to contain a recommendation to expand Good Ground Road to connect with NY Route 24 (Riverhead Road) at the Hampton Bays Diner.

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The long awaited Hampton Bays Generic Environmental Impact Statement is about to be considered by the Southampton Town Board. The Draft continues to contain a recommendation to expand Good Ground Road to connect with NY Route 24 (Riverhead Road) at the Hampton Bays Diner.

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The long awaited Hampton Bays Generic Environmental Impact Statement is about to be considered by the Southampton Town Board. The Draft continues to contain a recommendation to expand Good Ground Road to connect with NY Route 24 (Riverhead Road) at the Hampton Bays Diner.

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The long awaited Hampton Bays Generic Environmental Impact Statement is about to be considered by the Southampton Town Board. The Draft continues to contain a recommendation to expand Good Ground Road to connect with NY Route 24 (Riverhead Road) at the Hampton Bays Diner.

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The long awaited Hampton Bays Generic Environmental Impact Statement is about to be considered by the Southampton Town Board. The Draft continues to contain a recommendation to expand Good Ground Road to connect with NY Route 24 (Riverhead Road) at the Hampton Bays Diner.

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The long awaited Hampton Bays Generic Environmental Impact Statement is about to be considered by the Southampton Town Board. The Draft continues to contain a recommendation to expand Good Ground Road to connect with NY Route 24 (Riverhead Road) at the Hampton Bays Diner.

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CITIZENS for HAMPTON BAYS

The long awaited Hampton Bays Generic Environmental Impact Statement is about to be considered by the Southampton Town Board. The Draft continues to contain a recommendation to expand Good Ground Road to connect with NY Route 24 (Riverhead Road) at the Hampton Bays Diner. We the undersigned petition the Southampton Town Board to REMOVE this recommendation from the Hampton Bays Draft Generic Environmental Impact Statement before voting to accept it. DATE PRINT NAME SIGNATURE

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4/8/11	Kerry Wilky	Kerry Wilhie	146 Bay Arc E. HB, NY 11946
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